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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 ROBERT MITCHELL,) CASE NO. C08-0980-MJP-MAT
09 Plaintiff,)
10 v.) ORDER DENYING PLAINTIFF'S
11 RODNEY ASKELSON, et al.,) MOTIONS FOR PRELIMINARY
12 Defendants.) INJUNCTIVE RELIEF
13 _____)

14 The Court, having reviewed plaintiff's amended civil rights complaint, (Dkt. No. 29),
15 Plaintiff's motions for preliminary injunctive relief, (Dkt. Nos. 77 and 84), the Report and
16 Recommendation of Judge Mary Alice Theiler, United States Magistrate Judge, (Dkt. No. 92),
17 Plaintiff's objections to that Report and Recommendation, (Dkt. No. 93), and the remaining
18 record, does hereby find and ORDER:

19 (1) The Court adopts the Report and Recommendation. Magistrate Judge Theiler
20 recommends that Plaintiff's motion be denied because "the Court has no jurisdiction to enjoin
21 the conduct of individuals who are not parties to the instant action...." (Dkt. No. 92 at 3.) In
22 response, Plaintiff states in his objections to the Report and Recommendation that "Both Sgt.

01 Fredrickson and C.O. Shaw are named in the Second Motion for Preliminary Injunction.”
02 (Dkt. No. 93 at 2.) These individuals are not named defendants in this action and the Court
03 cannot enforce injunctive action against them. (See Dkt. No. 29 at 1 (naming Rodney
04 Askelon, Sgt. Lopez, Lisa Howe, Chris Glenn, C.O. Cabana, Nurse Marty, Sgt. Walters, The
05 Warden MCC-WSRU, Sue Collins, and Scott Frakes as Defendants).) Additionally,
06 Plaintiff’s objection on the ground that his alleged deprivation of mail causes irreparable harm
07 is unpersuasive. (See Dkt. No. 93 at 3-4.)

08 (2) Plaintiff’s motions for preliminary injunctive relief (Dkt. Nos. 77 and 84) are
09 therefore DENIED.

10 The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
11 Defendants, and to the Honorable Mary Alice Theiler.

12 DATED: May 19, 2009

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14 /s/ Marsha J. Pechman
MARSHA J. PECHMAN
15 United States District Judge
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